

# Delaware prisons: An alternative to incarceration

## Volunteers identify aging inmates who are deserving of early release

By ESTEBAN PARRA • The News Journal • May 28, 2010

Alfonso Santiago usually starts his day by rolling off his prison mattress, dragging himself to a cell wall and lifting himself to a standing position.

"It took me an hour to get up today," the 58-year-old said recently at Young Correctional Institution in Wilmington. "Life inside prison is hard on an older person."

Santiago, who is serving four years for selling heroin near a park, said he has a number of health issues, including liver problems and intestinal difficulties. Lately, he's been spitting blood.

"I've suffered with my illness," he said. "Not like when I was younger. I could take it then. I can't do that anymore."

Santiago, who has 34 months to go on his prison term, would like to get out early so he can live with a nephew in Wilmington and not be a burden to the state. Caring for older inmates can cost \$60,000 to \$70,000 per year, compared with the average \$32,000 spent on younger prisoners.

Santiago may get his wish.

He is one of two people being considered for sentence reductions under the Project for Older Prisoners (POPs), a new program that targets older inmates who are eligible for early release based on their age, medical condition and what's available for them when they return to the community.

Leslie Ingram, a 59-year-old habitual offender who pleaded guilty in 2007 to possession with intent to deliver drugs, is the other inmate being considered. Ingram's sentence at Baylor Women's Correctional

Institution runs till next March.

"It took me a long time to open my eyes, but I know now that I know better," Ingram said, adding she wants to get out and be with her daughters and grandchildren.

"I can't do this anymore," said Ingram, whose high blood pressure took a while to bring under control because of high cholesterol.

The program is a partnership between Widener University School of Law and two Wilmington criminal-reform nonprofit agencies, Stand Up for What's Right and Just and the Delaware Center for Justice. The law school provided three students to interview candidates on a list provided by the Department of Correction. Candidates must have served at least half of any mandatory minimum sentence, and cannot be sex offenders or sentenced to life terms.

The program also follows inmates after their release and the Delaware Center for Justice will help them get housing, jobs and other support.

Melissa Paris, the 23-year-old Widener Law student who represents Santiago, said her conversations with him convinced her he would be a good candidate for a sentence reduction.

"Now that he will have counseling and a case manager at his disposal, I think the likelihood of him reoffending is substantially decreased," she

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said.

### 'Ticking time bomb'

POPs comes at a time when state officials are seeking solutions to a prison health care problem that Gov. Jack Markell referred to as a "ticking time bomb."

Markell has said prison health care costs are rising because inmates are getting older. He also insisted that the state needs to examine who is being held in prison and whether less expensive but safe alternatives are available.

Nearly a quarter of Young Correctional's approximately 5,400 inmates are considered of geriatric age, according to Stand Up for What's Right and Just.

Julie P. Miller, an attorney with Stand Up for What's Right and Just and POPs project coordinator, said the lifestyles of inmates before and during prison make them age faster.

"Whereas a normal person in the community would not use heavy drugs or [would] make sure they are up on their medical exams, someone who is in the prison lifestyle not necessarily does that," Miller said.

The Department of Correction does not have an age when inmates are automatically classified as geriatric. But it follows studies that indicate prisoners can have a "physical age" that on average is 10 years older than their chronological age, DOC spokesman John Painter said.

Delaware spent \$42 million on prison health care last year, of which \$2.5 million went to hospitalization costs. More than one-third of those hospitalization fees were for inmates over 50.

Of the 14 inmates who each racked up more than \$50,000 in health care costs in 2008, eight were between 60 and 75.

One inmate in his 60s suffering from liver failure and heart disease cost the state nearly \$500,000.

The DOC is reviewing options regarding alternative placement for its older inmates, Painter said. But aside from POPs, there are no programs designed to

release inmates specifically based upon age, he said.

### Beginning the program

When the POPs program began, Paris and fellow Widener Law students Veronica McMahon, 23, and Mary Deady, 24, were referred to 99 inmates the DOC considered worthy of participating in the program.

"We were looking for quality over quantity," said McMahon, who is representing Ingram.

Because of time constraints, the students could get to only 20 of those on the list, then concentrating on the inmates they felt had the best chance: Santiago and Ingram.

"We wanted a good candidate," McMahon said. "We didn't care how many people we did. It was more important that the people we submitted were good candidates."

Delaware's POPs program is based on a model started in 1989 by Jonathan Turley, then a professor at Tulane University School of Law.

Turley, now a law professor at George Washington University, said there are studies that show age 30 is the dividing line for males. After that age, male offenders are less likely to commit new offenses. He added that while age should not be used as the only marker for release, it should be considered.

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Joanna Champney, executive director of Stand Up for What's Right and Just, said the program expects to do more in coming years.

"We are trying to balance the fact that those guys really shouldn't be behind bars with the fact that our program doesn't really have the resources for them," Champney said.

She also said they are speaking with more community organizations that could help care for offenders after they are released.

The students, with the help of prison counselors, are preparing to file petitions that will be submitted to the Institutional Release Classification Board and the Delaware Board of Parole, which review applications from inmates trying to get early release. The final petition will be decided by Superior Court.

Corrections Commissioner Carl C. Danberg said he is pleased to see the POPs program in Delaware.

"Although the implementation of the program is still in the early stages, we are receiving positive feedback and look forward to continue opening up our facilities to the program's volunteers," he said.

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"Life inside prison is hard on an older person," said Alfonso Santiago, 58, an inmate at Young Correctional Institution in Wilmington. It's hard for taxpayers too -- caring for older inmate can cost \$60,000 to \$70,000 per year, compared with the average \$32,000 spent on younger prisoners. (The News Journal/ROBE CRAIG)

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Prison inmate Leslie Ingram (right) is interviewed by Widener University law students Veronica McMahon (left) and Melissa Paris for the POPs program. (The News Journal/JENNIFER CORBETT)



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Leslie Ingram has daughters and grandchildren on the outside. (The News Journal/JENNIFER CORBETT)

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Alfonso Santiago, an inmate at Young Correctional Institution in Wilmington, waits for a guard to return him to his cell after an interview with a reporter last month. (The News Journal/ROBERT CRAIG)

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